

SPEECH

OF

HON. S. R. MALLORY, OF FLORIDA,

ON THE

ADMISSION OF THE STATE OF KANSAS.

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 16, 1855.

The Senate having under consideration the bill to admit the State of Kansas into the Union—Mr. MALLORY said:

I do not suppose, Mr. President, after the exhibition we have just witnessed, in which the history of Federalism, the Hartford convention, and "modern Democracy," are so singularly mixed up with "border ruffianism" and the history of Kansas, that any effort on this side of the Chamber, without the aid of a revelation from heaven itself, could produce the slightest impression on the mind of the gentleman who has just spoken, (Mr. KING,) or those who think with him upon the subject before us.

If apology were needed for occupying the time of the Senate upon so trite a subject, when speaking must be so barren of results here, it may be found in the fact that, from the introduction of the Kansas-Nebraska measure to the present time, neither upon that, nor upon any of the measures flowing from it, have I addressed this body. Nor, sir, would I do so now but that some little pains have been taken to misrepresent my views upon this subject to friends in my own State, for whose generous support and unfailing confidence I shall ever feel deeply grateful.

Mr. President, it was my intention, after having heard the speech of the honorable Senator from New York, (Mr. SEWARD,) on this question, to have reviewed, briefly at least, what I considered a most extraordinary production; but during my absence from this body I find it has been done so ably and so thoroughly by the Senator from Louisiana, (Mr. BENJAMIN,) and the Senator from Virginia, (Mr. HUNTER,) that any effort of mine would but weaken the effect of what they have said, or mar its beauty; but I must be permitted to remark, that if I were called upon to designate the speech I have heard since I have occupied a seat on this floor, which was most calculated to awaken and to cherish sectional excitement, and to produce discord throughout this Confederacy, I should have to point to this speech of the honorable Senator from New York. If it was not expressly and cunningly designed to produce these results, it is exceedingly well

calculated for it. It is not a broad, candid, comprehensive, statement of facts, argued out to their legitimate conclusions and logical deductions without regard to where they may lead; but it is a cunning scheme of fact and error—a web skillfully devised to bolster up the policy of the Senator and his party as to “*bleeding Kansas*.”

But, sir, the feature which struck me as most offensive, in listening to the honorable Senator, was the cold and unpromising *future* of the whole production, the want of light and life throughout. It came over my senses like cold northern blasts, telling of an icy origin. Like a treacherous guide, it takes us over a barren waste, and after pointing out all the horrors of the road, leaves us without a ray of light to govern our future steps.

His labored recital of historical events, his rhetorical figures, the ornate costume of his ideas, and his epigrammatic sentences, conduct us to the subjugation of the southern States; and he tells us in effect that if we submit to our fate gracefully, our death may be without terrors, but submission or not, die we must!

Sir, I speak with respect, personally, of the Senator from New York, for I have no reason to speak of him otherwise; but in my judgment, his extraordinary speech is not a work of statesmanship, but approaches the confines of special pleading; and I may freely say of it, that whatever there be in it which is true, is not new, and whatever it contains which is new, is not true. The Senator’s political vision is limited by a geographical line, and he speaks, not to his country, but to his party. With these brief remarks, I will leave it.

I expect, Mr. President, in the few remarks I shall make, to confine myself to the question before the Senate. The 23d day of January, 1854, inaugurated a period of political excitement throughout a large portion of this Confederacy, which, still progressing and undetermined, has thus far been characterized by such bitterness, such a spirit of rancor towards the southern States of the Confederacy, as, in the judgment of judicious men everywhere, is not only destroying the bonds of our social, but is having an immediate tendency to destroy the bonds of our political Union. On that day the obliteration of the Missouri compromise line, so called, was made a feature of the Kansas-Nebraska bill.

A great national wrong had been done to the southern portion of this Confederacy by the act admitting Missouri into the Union in 1820, the eighth section of which provided for the prohibition of involuntary servitude, except for crime; or, in other words, the exclusion of southern slavery from all that portion of the territory acquired by our treaty with France in 1803, which lay north of 36° 30’.

And now, when we were called upon to form governments for a portion of this territory, and the South’s participation was demanded, she insisted, as a recognition of her political equality, upon the repeal of a measure, the unconstitutionality and injustice of which time had made as apparent to her judgment as it was offensive to her pride.

Standing where she has ever stood, and where I trust she will always be found, by the Constitution, she demanded nothing from the fraternal feeling, from the forbearance of her sister States; but she did demand, as a recognition of the political equality of the States, the right to go with her property into the common domain of the

Confederacy. Upon this demand we went before the country; and, after a heated and excited contest, the offensive statute was wiped from the statute-book.

This was followed by such a political storm throughout the non-slaveholding States, as none but a government, resting upon the enlightened judgment of a free people, can ever withstand.

Under the guidance of leaders, in many instances as reckless and ambitious as they were able, every element of political discord and sectional strife was invoked and brought into prurient activity; and while the bench, the bar, the hustings, and the press, entered upon one wide crusade against the people of the southern States, the pulpit, no less impious than the rest, invoked upon them the curses and denunciations of Heaven itself. But, sir, the South threw herself into the contest; she knew her rights, and determined to maintain them. She appealed to the enlightened judgment of the American people, and there she found a vindication as unequivocal as it was triumphant—a vindication which has since received the endorsement and support of the highest tribunal in the country.

In addition to the repeal of the eighth section of the Missouri act, the Kansas-Nebraska bill contained a clause which, in my judgment, was as unequivocal as it was totally and absolutely unnecessary; a clause which has been facetiously termed a “stump speech injected into the bill,” declaring that it was “*the true and bona fide intent and meaning of the bill not to legislate slavery into any State or Territory, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.*” Though perfectly unnecessary at the time, it may perhaps aid us in interpreting the whole measure.

Under this great enabling act, (for it was nothing more than an enabling act authorizing the people of Kansas and Nebraska to form their State governments,) the people of Kansas did enter upon the formation of a State government, following the legitimate precedents of their country.

They elected their territorial legislature and delegate to Congress on the 29th of November, 1854; and in 1855 this legislature passed an act “*for taking the sense of the people of the Territory upon the expediency of calling a convention to form a State constitution,*” at the general election to be held in October, 1856.

The sense of the people was then taken, and it was in favor of calling a convention.

In obedience to this indication of the will of the people, the Territorial Legislature passed an act on the 27th of February, 1857, providing for the election of delegates on the third Monday of June, to form a State constitution; and under this act, which was singularly fair and just, providing, as it did, for registration of every legal voter within the Territory, for the purpose of excluding outside influence, members of the convention were elected, and nine thousand two hundred and fifty-one qualified voters were registered.

In conformity to the provisions of this act, the delegates to form a State constitution were legally elected in June, 1857. They assembled at Lecompton, and proceeded legitimately to perform the duty for

which they had assembled—the formation of a State constitution—terminated their labors, and adjourned on the 7th of November, 1857.

The honorable Senator from New York, who has addressed the Senate, (Mr. KING,) has chosen to say that every one of those acts which I have recited is characterized by illegality. I deny it *in toto*. I affirm—and I have no doubt whatever that it will be sustained by the voice of the American people—that neither one of those acts is tainted with illegality. That there may have been illegal voting, I will not deny; but that the acts of the *bona fide* voters and the results of these elections are to be affected by the illegality of others, I deny.

The convention, justly regarding the question of slavery as the lion in the path of the progress of Kansas, as the question which had created all the difficulty, turmoil, and civil war in the Territory, provided—though I by no means acknowledge that the convention was bound to do so—for its submission to the popular vote; and, on the day prescribed by the convention, it was submitted to the people of Kansas; who, by their popular vote, did decide in favor of the constitution with the slavery clause.

The constitution thus framed, provided for a general election on the first Monday of January, 1858, which has been held, and at which a Governor, members of the Legislature and other State officers, and a member of Congress, were elected, the popular vote thus recognizing the new constitution to this extent, being, as I learn from unofficial accounts, about thirteen thousand.

I have thus traced step by step, the action of the people of Kansas, her true and law-abiding people, in the formation of their State constitution, from the passage of the Kansas bill to the present moment, when we are informed by the President of the United States, that he has received from the presiding officer of her convention a copy of her constitution, and that she stands at our doors asking admission to the Union. In doing so, I have chosen to ignore and utterly to disregard the assemblage at Topeka, and the existence of the so-called Topeka constitution.

The individuals who met there not only without authority from this Government, but in open hostility to it, no more represented the *people* of Kansas, and no more possessed the right to speak for or to bind them by their acts, than have the lawless mobs, who, of late years, have, in some of our leading cities, set all law at defiance, to represent or speak for the loyal citizens thereof.

If the proceedings which I have briefly sketched, resulting in the formation of the Leecompton constitution were legal, to say that those of the Topeka gathering were illegal and utterly void, is, to characterize them by the mildest of terms.

I have equally ignored all alleged violations of election laws and acts of border ruffianism, from whatever quarter proceeding. No great political change, under popular forms of government will, probably, ever be perfected without similar violations of law to some extent; and, if the lawful acts of the legal people were thereby to be annulled, anarchy would necessarily be the result.

Destitute as we are of the power of punishing violations of elec-

tion laws in Kansas directly, we should not resort to an indirect mode of correcting them, and, especially, to the injury of the *people* of Kansas. Frauds, crimes, doubtless, were committed by both parties; but the lawful acts of those who steadily and rightly pursued the path of duty to the formation of the State constitution, are not to be thereby defeated.

Mr. President, it is admitted that these proceedings of the people of Kansas were pursued in conformity with law and by authority conferred by the Kansas-Nebraska act originally; and it is admitted that the constitution they present to us is republican. Why then should it be rejected?

Sir, the evils which must in my judgment inevitably flow from such rejection, may present themselves to my mind in an exaggerated form and character. I may misconceive the times; I may misapprehend the temper of the people to whose sense of right such rejection would be an outrage; I may magnify the feeling of deep but silent scorn and indignation with which they now view this whole programme of opposition; and I may miscalculate the means to which they may resort to right the wrong which it contemplates; but if I do not, then is the rejection of Kansas fraught with evils which it will require all of human wisdom under the Providence of God to avert.

Sir, we are told that in this contest the South is pursuing an abstraction; that the majority of the people of Kansas are in favor of the exclusion of slavery, and, that having the power, they will adopt immediate measures to change the constitution in this respect on their admission to the Union.

This may or may not be so; it does not lessen the importance of the question before us; for we cannot ignore the great central fact that the war-cry raised against the life of the South, is, "*no more slave States to be admitted to the Union*;" that under this *shibboleth* inscribed upon their banner her enemies in hosts are rallying, and that their ability to maintain it is here this day being practically tested; and, that, if Kansas shall be rejected, it will be because of the slavery clause in her constitution.

This, sir, is the point which infuses life, and light, and soul, into the issue before us.

Our opponents on this measure, invigorated by the temporary alliance of the honorable Senator from Illinois, (Mr. DOUGLAS,) have assailed, and are assailing, the unanswerable arguments, as I conceive, of the Executive, with equal ingenuity and power; but if one were to rise from amongst them, and speak with the lips of an angel, the South has too much at stake not to see the utter want of truth and justice of this opposition, not to feel that similar pretexts will ever be found when similar occasions shall demand them.

Sir, the vital principle of the Kansas bill, carefully considered by some of the purest and best men from every section of the country, and some of the prominent men of its leading political parties, too, was brought forward by the honorable Senator from Illinois, to whom it had been intrusted as chairman of the Committee on Territories; and throughout the three years' war with which its enemies have so bitterly assailed it, so nobly and firmly has he stood forth as its champion, under all circumstances, at all times, and in all places, sus-

taining its right, wisdom, and justice, that he has been popularly regarded as its sole and exclusive author. So well had he borne himself in this intellectual fight, that he had carved out for himself a place in the hearts of his countrymen rarely accorded to a living public man.

In this position he was nobly sustained by the united South, and by nearly every national Democrat in both Houses of Congress. He was sustained by the people in their primary and larger conventions, in their Legislatures, and finally by the supreme judicial tribunal of the country itself. Thus proudly did he stand then; but now, when the battle has been fought and won, and the fruits of victory only await our grasp; now, that Kansas is knocking at our doors, and, by clothing her with the robes of State sovereignty we may localize the question of slavery, and enable her to still the voice of discord within her borders, we see the honorable Senator, not only withdrawing himself from his old companions in arms, but, with a bitterness hitherto unlooked for, opposing them in gaining the legitimate fruits of their common labors. In this extraordinary attitude, we see him surrounded by strange allies; the leaders of those with whom hitherto he has fought hand to hand in every phase of the fight; the leaders of those who have been the unrelenting enemies of the Kansas-Nebraska bill and himself; and who, failing in every agency of human evil, have invoked upon both the curse of Heaven itself. These are the allies with whom he is now cheered in his opposition to his tried friends. I trust the honorable Senator from Illinois will understand that, in reciting these facts, showing his position in this case, I do it in all kindness to himself, personally. My past relations to him it is unnecessary to allude to to show this.

An attitude so extraordinary has only been assumed on the most conscientious convictions of right, though we are all liable to error; and his position, therefore, will not be readily surrendered. His efforts to justify and sustain it are worthy of his fame; but depend upon it, sir, that like a strong man struggling in a morass, every effort he may make must but more distinctly disclose the unstable ground on which he stands.

Mr. President, our opponents upon this measure may succeed, or they may fail; Kansas may be admitted with her Lecompton constitution, and every element of her legitimate prosperity may be developed, or she may be rejected, and discord and civil war may continue, just as the wisdom and prudence or the vice and folly of her people may control her counsels; but whether we admit her, or whether we do not, whatever may be the results of our proceedings here, if I am right in my conclusions of the policy which govern the opposition, there will be but one course for the South.

Mr. SEWARD. Will the honorable Senator allow me, as an act of kindness to himself, to say that his speech is a very interesting one, and I am listening to him with great pleasure; but I am sure he speaks so low that he is not doing justice to himself. If he will raise his voice a little louder, he will be heard more distinctly across the Chamber.

Mr. MALLORY. I thank you, sir. I cannot expect to overcome any noise that may be made in the Chamber, but I will endeavor to make myself heard.

The PRESIDING OFFICER, (Mr. STUART.) The Chair will endeavor to preserve as good order as can be maintained in the Chamber; and he submits to Senators that it is important, on account of the evident condition of the health of the Senator from Florida.

Mr. MALLORY. I was going on to observe that whatever may be the effect of our efforts here, from this vexed question of Kansas, the South, looking boldly out on the dangers which expand before her, surveying with calm resolve her darkening political skies, will, in my judgment, take a new departure; warned, nerved, invigorated, saddened perhaps, but unintimidated by the past.

She cannot ignore the fact that her enemies are gathering in strength around her; every day shows it; and whether the war-cry against her life be uttered by some wretched village fanatic, whose insane ravings and mad ambition rise no higher than to induce the slave to cut the master's throat, or whether it be uttered by some higher intellect here, in large and philosophic phrase, who, with the Union upon his lips, but with treason to its best interests festering in his heart, predicts coming dawn which shall rise upon the last footprint of African slavery upon this continent—whether the war-cry be uttered by the one or the other, it is opposition to her that forms their common bond of Union.

Nor, sir, let her any longer underrate the strength of her enemies. I have before me some notes, as brief, as they are instructive. I refer to a well-known book, recently published, in which political facts are collected. In speaking of the anti-slavery party, the author says:

"It first made its appearance in national politics in the presidential contest of 1840, when its ticket, with James G. Birney, of Michigan, as its candidate for the Presidency, and Francis J. Lemoyne, of Pennsylvania, as its vice presidential candidate, polled 7,000 votes. In 1844, with Mr. Birney again as its candidate, it polled 62,140 votes. In 1848, when Martin Van Buren as the presidential candidate of the Buffalo Convention, and Gerrit Smith as that of the more ultra and slavery men, it polled 296,232 votes. In 1852, with John P. Hale as its nominee for the Presidency, it polled 157,296 votes. In 1856, with John C. Frémont as its presidential candidate, it polled 1,341,812 votes."—*Cluskey's Political Text Book*, page 1.

With these facts before us, I do not pretend to ignore the coming fate of the South. I do not pretend any disguise on the subject. Can you doubt, sir, that you are yet to see one of this sectional party in that chair; this Government administered by its behests, and the South in a doomed minority, still appealing to the Constitution? No man here can doubt it, and it is useless to close our eyes to coming events. One by one the gallant and patriotic band of northern men, who, valuing the Union beyond the behests and commands of party, struggling here, struggling everywhere to maintain the rights of their whole country, have been crushed out; and here, in this forum of squal States, we are yet to see the Constitution interpreted by that dreaded antagonism which is founded upon geographical distinctions alone.

The constitutional rights of the South, Mr. President, never have depended, and I trust they never will depend, on an equality of slave and free States in this Confederacy. If they depend on such an equality, their rights are gone now, for that day has passed. This political equality cannot be maintained. It can neither be maintain-

ed by expansion, by acquisition, nor by division of territory—for these are resources equally open to both parties. Had the South, in days gone by, been united on the expediency of acquiring Cuba, and, when the apple was ripe, plucked it, and made it a southern State—nay, sir, were she to adopt a wise policy now, and resolve to take it, and talk about it afterwards—friendly and contiguous Canada, fast gravitating towards the North, would come in to reëstablish northern political supremacy. Therefore, in my judgment, we must look inevitably to a preponderance of free States in this Confederacy. If I believed the rights of the South were dependant upon an equilibrium of free and slave States, I would use every human effort of which I am capable to induce the South to go out of the Union to-morrow. It were worse than folly, it would be the basest of crimes, to postpone to a distant day of comparative weakness, the correction of approaching evils which, in our hour of strength, we may readily avert.

Much has been said by the Senator from New York, in his remarkable address, about the white man's occupying this continent and on the doctrine of expansion; but I did expect to hear a gentleman, who is evidently a statesman, in this rhetorical, epigrammatic production of his, define under what circumstances the white man is to occupy this continent. My friend from Virginia, I find on reading his speech, has referred to this part of the address of the Senator from New York, and leaves me but little to say; but on this doctrine of expansion let me remark, that the hour has come when judicious minds begin to doubt the propriety, the wisdom of the expansion, on this continent, of our Government; when judicious minds begin to doubt the applicability of our system of government to a widely expanded territory.

Sir, the surface of our territory now is more than double that of Great Britain, France, Spain, Portugal, Italy, Switzerland, Germany, Austria, Turkey in Europe, Poland, Prussia, Belgium, Holland, Denmark, Norway, and Sweden, whose united populations exceed two hundred and fifty millions.

The child is now living who is to see, according to the present ratio of increase, a population of two hundred millions upon our present domain; and when our distant States shall become as populous to the square mile, as Belgium, Prussia, or France, our form of government will receive a test to which we may all look with doubt and apprehension.

With a population sparsely spread over a wide extent of domain of unsurpassed fertility and wealth, a population ignorant of want, with a competency within the reach of ordinary industry and frugality, with a population of voters identified with the soil, and governing by the ballot-box the land which they till with their hands, our system of government has reflected greater blessings upon the people than has any other devised by the wisdom of man.

But, sir, with expansion and its concomitant evils of poverty, pauperism, and vice—with a large minority of voters in every populous State raising, periodically, the cry of "bread or blood"—the ballot-box, hitherto the safeguard of our liberties, may become, in the hands of ambition, a tremendous engine of oppression. We may already point to San Francisco, governed by a vigilance committee; Utah, ruled by a

priestly despotism ; Kansas controlled at the bayonet's point, and our large cities in the hands of lawless mobs, who go unwhipped of justice, as some faint indications of the blessings of expansion.

But, sir, I will not pursue this topic further, suggestive as it is of replies to the honorable Senator's theories.

Thank Heaven, the South possesses the conservative institution of domestic slavery, which relieves her from evils which must necessarily attend a dense population under our form of government.

But, Mr. President, I will not digress on this subject longer ; I desire to keep to the point before us, which is the question of the admission of Kansas. I will not go into all the objections, the technical objections which have been urged by gentlemen on the opposite side of the Chamber, because I think it will be fair to meet the objections of our friends on this side, and I will treat them as made in all fairness. I understand that the objections of the honorable Senator from Illinois, made in his opening speech immediately after the presentation of the President's annual message, have been surrendered one by one, or tacitly so, and that they are all now to be summed up in this : that the constitution framed at Leecompton was not submitted to the vote of the people, and that it does not reflect the will of the people of Kansas.

Let me ask, sir, who are the people of Kansas ? The Senator from New York tells us that the people means the majority. I deny any such doctrine, sir. The only people of Kansas known to us, are the law-abiding inhabitants thereof, who, by the authority and under the guidance of law, have come before us to make their wishes known.

States have made the source of their political power, the elective franchise, dependent upon the payment of taxes, service in the militia, the tenure of freehold estate, or the color of the skin ; but they upon whom this power is conferred constitute the people, whether a majority or a minority of the inhabitants. The people are represented in the lower House, but does the majority necessarily rule there ? Is not a quorum of the House, a bare majority of its members, sufficient to transact its business—and does not a majority of this quorum control its action ? Do not seventeen members of this body determine frequently its gravest measures ?

Sir, when we speak of the people of Kansas, we speak of a political body determined by the laws of the land ; of a body acting by authority and in conformity with law.

It may be, sir, that the convention which formed the constitution was elected by a minority of the voters of Kansas ; but if we go behind the results of the election we shall probably find that those opposed to the convention refused to go to the polls for the express purpose of defeating the action of the law-abiding people of the Territory. Can a body of voters, by thus absenting themselves from the polls, defeat the action of those who choose to exercise their right to vote ? Can the inaction of a majority thus defeat the legal action of a minority ? Are not elections in every city and State of this Union sometimes determined by minorities ? In this case, Governor Walker expressly notified the inhabitants that those who refused to vote, by the universal operation of our system of government, ratified the action of those who should vote.

Sir, the proposition that the convention was not elected by a majority of the inhabitants, and that, therefore, the constitution framed by it is void, cannot be maintained.

In reply to the objection that the constitution should have been submitted to the popular vote, I must say that it is becoming on those who claim this, to show that any necessity existed for such a submission. The people of Kansas did not provide for it through their Legislature; they did not provide for it through their convention; and so far as Congress could, they expressly left it to the people of Kansas to decide for themselves—for they said they should be left “perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution.” That was the only limitation. There was nothing there, I apprehend, commanding them to submit their constitution to a vote of the people of Kansas. If, therefore, we are to keep our pledge to the people of Kansas, we cannot interfere with their rights; and it is to me exceedingly strange that those who set up this doctrine that the non-submission of the constitution is fatal to it, cannot produce the authority requiring such submission. The precedents teach us that the people of Kansas have followed in the safe path of custom in refusing to submit their constitution. My friend from New Jersey (Mr. Thomson) has shown this in a close analysis of all the constitutions of the States of this Union; and there are but two constitutions that I know of, formed by the States of this Union, which were submitted by convention. His statement is as follows:

“The constitutions, now in force, of the following named States, were not submitted for ratification to the people, but adopted in convention:

“Vermont adopted her constitution July 4, 1793, in convention at Windsor. (Compiled Statutes of Vermont, page 15.)

“Connecticut, by convention, in 1818. (See Compilation of Statutes of Connecticut, 1854, pages 29 and 45.)

“Delaware, by convention, in 1831. (See Acts of 1831, page 49; and Revised Code, page 43.)

“Pennsylvania, by convention, in 1838, with a provision for future amendments to be ratified by the people. (See Purdon's Digest, page 17, section 10.)

“North Carolina adopted her present constitution in 1776, by convention; amendments in 1835.

“South Carolina, in 1790, by convention.

“Georgia, by convention, on the 23d of May, 1798.

“Alabama, in 1819, by convention under enabling act. (See Code of Alabama, page 26, section 5, page 28.)

“Mississippi, by convention, in 1817; and revised in like manner in 1832.

“Tennessee, by convention, in 1836.

“Kentucky, by convention, in 1799.

“Arkansas, by convention, without enabling act. (See Revised Statutes of Arkansas, pages 17-18.)

“Missouri, by convention, in 1820; and not submitted to the people.

“Illinois, by convention, in 1818; also appears not to have been submitted to the people.

“The following were compelled by statute to submit the constitutions framed by the conventions to the people:

“New York, constitution adopted in 1846. (Section 9, act of 1845, providing for the convention, required its ratification by the people.)

“New Jersey, act of 1844, approved February 23. Section 9 required its submission to the people. It was submitted and ratified in 1844.

“Maryland, formed in 1851, and ratified by the people, in accordance with previous act of Legislature. (See act of 1849, chapter 346, section 8.)

“Virginia, formed in 1851. Act March 13, 1851, required its ratification by the people.

"Indiana, formed in 1851, ratified by the people, as required by the law authorizing the convention. (See Act of 1850, approved January 18, sections 14 and 15.) The sections relative to the exclusion and colonization of negroes was submitted as a distinct proposition. (See Revised Statutes, volume 1, page 72.)

"Wisconsin, 1848. Section nine of schedule required its ratification by the people. (Revised Statutes, 1849.) In April, 1847, the constitution was defeated by over seven thousand majority. (Nile's Register, volume 72, page 114.) A new constitution was then formed, and the State admitted under it May 29, 1848.

"Iowa, formed in 1846. Previous laws of June 10, 1845, (over the veto of the Governor,) and of January 17, 1846, required ratification by the people.

"Ohio, the first constitution, formed under an enabling act of Congress, adopted 29th October, 1802, was not submitted to the people; that of the 10th March, 1857, was submitted to the people and approved by them.

"Louisiana, formed 1852. The constitution was, by previous enactment, required to be submitted, and was ratified by the people.

"Michigan, formed 1850. Act of March 9, 1850, required it to be submitted to the people. (See laws of 1850, No. 78, section 6, on page 66.)

"Maine, formed in 1819, by convention, (page 432 Hickey's Constitution;) amendments submitted to the people 1834, 1837, 1839.

"New Hampshire, formed 1792. (See Compiled Statutes, page 15.) Approved by the two-third vote of the people, and established by convention September 5, 1792.

"Rhode Island, formed 1842. Ratified by vote of the people, in pursuance of act of the Legislature.

"Massachusetts, formed 1780. Convention adjourned till constitution was ratified by two-third vote.

"Texas, formed 1845. Submitted to and ratified by the people.

"The constitutions of the following States were submitted by conventions to the people, without their being required by law to do so:

"Florida, formed in 1838. Territorial act of 1838 (see act of 1838, page 5) did not require the ratification of the constitution by the people. There was no authority of Congress. The convention (see Digest of Laws of Florida, page 9) required ratification by the people.

"California, formed in 1849. Convention required the ratification of the constitution by the people. There was no authority of Congress or legislative act to frame a constitution. (See Statutes of California, page 24, sections 5, 6, and 7.)

But, sir, if this argument really had any strength in it, it comes, perhaps, with less force from the honorable Senator from Illinois, than it would from any of the gentlemen on the other side of the Chamber. Anything which the distinguished Senator may say on this subject has peculiar pertinence and significance, because, from first to last, he has been identified with the measure. It will be remembered that, to expedite the admission of Kansas into the Union as a State, the Senator from Illinois reported a bill from the Committee on Territories on the 17th of March, 1856, entitled, "A bill to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union, when they have the requisite population." After providing for a convention, this bill continues, and contains the following clause. It is the third section of the bill reported by the Senator from Illinois:

SEC. 3. *And be it further enacted*, That the following propositions be, and the same are hereby, offered to the said convention of the people of Kansas, when formed, for their free acceptance or rejection, which, if accepted by the convention and *ratified by the people*, at the election for the adoption of the constitution, shall be obligatory on the United States, and upon the said State of Kansas, to wit:—

This bill was not immediately acted upon; and on the 25th of June a substitute was introduced by the honorable Senator from Georgia, (Mr. TOOMBS,) of which he gave due notice. In the twelfth section of this amendment—for the substitute was introduced as an amendment—the precise words of the third section of the bill of the Sen-

ator from Illinois were retained, giving the power to the convention to adopt, and to the people of Kansas to ratify, the constitution. Here, then, were two bills before the Senate; one reported by the Senator from Illinois, containing a clause requiring ratification by the people; and the other introduced by the Senator from Georgia, incorporating this identical clause. Subsequently the Senator from New York (Mr. SEWARD) introduced a substitute, ignoring equally the people and the convention, providing for the immediate admission of Kansas as a State into the Union, on the acceptance of certain conditions by her Legislature.

These substitutes, together with the original bill reported by the chairman of the Committee on Territories, the Senator from Illinois, were re-committed to that committee; and seven days after this, on the 30th of June, the Senator from Illinois brought forward from the committee a new bill, which, though it embraced many of the provisions of the bill introduced as a substitute by the Senator from Georgia, omitted this very important provision, which his own bill and the substitute itself of the Senator from Georgia had contained. It left out totally the provision requiring the ratification of the constitution by the people of Kansas. In fact it recognized in that manner, unequivocally, the right of the convention over the whole subject. I think that is a legitimate conclusion. The right of the people to ratify the constitution was therefore abandoned; I say therefore, that when the opposition comes from him, on the ground that it is a fatal objection to the constitution that it was not submitted to the popular vote, it comes with less force than it would from any gentleman on the other side of the Chamber. His bill contained, instead of the clause before quoted, these words:

"SEC. 13. *And be it further enacted*, That the following propositions be, and the same are hereby, offered to the said convention of the people of Kansas, for their free acceptance or rejection, which, if accepted by the convention shall be obligatory on the United States and upon the said State of Kansas, to wit:"

This bill passed the Senate, but it will be remembered that it failed in the House of Representatives. In this body, with the clause requiring popular ratification abandoned, after it had been twice reported to the Senate, it received the vote of every Democratic Senator, including the Senator from Illinois.

It was my purpose, Mr. President, to have pursued somewhat the line of argument which has been indicated by the opponents of this measure, connecting itself with the subject of slavery in Kansas; but feeling as I do on that subject, feeling as I did last night when I heard gentlemen going back two hundred years to show the tenure of slave property, as if the opinions of all the judges of England could affect the right to a single slave in any of our States, or induce a master to surrender it. I see the labyrinth of discussion into which gentlemen are led when they touch that subject. I am willing to meet gentlemen on the other side upon the practical workings of the institution in this country. I am willing to take it up as a practical issue, and to show to those who here maintain the controversy, that even in their own States, in their own towns, and in their own homesteads, practice belies theory; that the negro there, with all the privileges which their enlarged philanthropy has thrown around

him, is in a far more wretched condition than that from which they seek to relieve him in our States.

Of all the false representations and groundless assumptions of the enemies of the domestic slavery of the South, none have afforded a more fruitful theme of denunciation than its alledged debasing and brutalizing influence upon the negro; and such is the systematic pertinacity with which this falsehood is circulated that there are few communities in the free States in which it does not find believers.

But what are the facts. The slaves of the South are the descendants of the Africans, brought by New England ships, and seamen to this country; and a comparison between their condition and that of their African brethren will illustrate, not the brutalizing, but the civilizing and christianizing effect of Southern slavery.

Of no part of Africa, Egypt, Nubia, and the shores of the Mediterranean excepted, does our knowledge extend back beyond the times of the Greeks and Romans. Regarded at that time as too degraded and savage to invite conquest or to excite cupidity, its very name has ever stood as a synonym for the extremes of barbarism and ignorance; and though the enterprising spirit of the last two centuries has sought her shores, a spirit which has penetrated almost every other part of the habitable globe, carrying the germs of civilization to their darkest recesses,—the African of to-day is the ignorant and beastly savage that he was three thousand years ago.

While in less than two and a half centuries, the white race has subdued upon this continent the obstacles of savage man and still more savage nature, developed upon it all the elements of temporal happiness and established the worship of the true God upon a sure foundation, *Africa* exhibits to-day the brutal vices, the beastly ignorance and the bloody cruelties, which characterized her in the days of the *Pharos*.

The Missionaries of the living God have been among them; hundreds of zealous christians have entered upon this great field of ignorance, idolatry, and cruelty, and sacrificed their lives to a futile attempt to redeem the African, while scarcely an instance can be found of his abandoning one of his savage rites or bloody customs. Their court-yards, houses, streets, and market-places, are still paved with the skulls of prisoners taken in battle, or of slaves sacrificed at their feasts or their funerals. Wives and subjects are still offered as a bloody sacrifice or buried alive with deceased chiefs, husbands or masters,—not by scores at a time only, but by thousands.

British benevolence for fifty years has vainly sought to christianize the African,—who, in defiance alike of precept and example always relapses into idolatry, whatever may be his professions of faith.

Sunk to the lowest conceivable grade of human brutality, exhibiting indeed traits less akin to human affections than do many of the beasts of their forests, there is no exception to the barbarous and idolatrous pall which rests upon pagan Africa, from which civilization can awaken the first throb of sympathy.

Without an alphabet, hieroglyphic, picture or symbol to convey or perpetuate thought; without customs or rites, religious or political, that do not immolate human victims upon their altars; without a knowledge of his antecedents, or the faintest conception of his future, the

African, under the Creator's natural laws, under those revealed to his chosen people, and under the Divine institutes of the Savior, has been equally false to all.

Such a being cannot be degraded by servitude; but, on the contrary, any change in his condition must be an improvement; and can any candid mind look at the change which two and a half centuries have wrought in the condition of his descendants in the southern States, and believe that servitude has degraded him?

I will not dwell upon the admitted fact that our southern slaves are the best fed, best clothed and cared for, and the least tasked laboring class in all christiandom; but I will point to the more important fact, that every log cabin of the southern slaves contains a truer knowledge of the true God, and the great work of salvation, than can be found throughout the fifty millions of pagan Africa, and that a very large proportion of them are members of christian congregations.

Human happiness, like the Creator's love, is about equally distributed amongst men; but if there be a class upon earth possessing more of the elements of, and fewer of the drawbacks to, human happiness, than their fellows, it is the *southern slave*, when uncursed by the poisonous taint of abolitionism.

Mr. President, in connection with the subject of slavery, we are told by the Senator from New York, (Mr. SEWARD,) that the South has governed the Confederacy, but that the reins of power are falling from her grasp, and that to other hands are our destinies to be committed. Sir, I concede it. The genious, the knowledge of government, the constitutional and conservative spirit of southern men, have as unequivocally stamped the policy of this Government in the Cabinet and in the Senate, as their valor has led her banners in the field. Seven of your Presidents have themselves been slaveholders; and whenever the country has demanded the intellect, the genius, or the courage of her sons, they have found no more brilliant illustrations than amongst slaveholders.

Under the guidance of their policy, with their hand upon the helm of the ship of State, her onward progress in all that ennobles, in all that elevates our race, has been the marvel of mankind.

Domestic discords, family jars, have from time to time intruded themselves upon her path of progress; but while they are as inseparable from it as is the dust from the wheels of the locomotive, they have impeded it as little.

National policies, national parties, national men, shedding, like the gentle dews of Heaven, their cheering influence equally upon every hill and valley of their country, have all combined to awaken and to cherish in our hearts obedience to the Constitution, and through it, a love for the Union.

Sectional extremes have brought their common grievances to this altar, and in obedience to its cherished spirit, have renewed their common purpose to sustain it.

If, sir, the South has governed, such has been the spirit, such are the results of her government.

With exultant tone we are told that she will *rule no more*. Be it so. In withdrawing from the ship of State, we may, at least, with pride look back upon the track she has traced upon the pathway of

nations, marked, as it is, by imperishable monuments of man's cheering progress; and we may point to the storms of faction, the open assaults of foreign and domestic foes, and the treacherous deceits of pretending friends, which, under the pilotage of the South, and the Constitution her only chart, she has nobly weathered; and now with all her banners aloft, her fame established, and her name unstained, with placid seas beneath and smiling heavens above her, freighted with the hearts, the hopes, the liberties of mankind; we will resign her as the greatest, the noblest trust that ever came from the hands of men. In the language of my friend from South Carolina, (Gov. HAMMOND,) "great will be our honor and your responsibility;" and be sure you let the world behold, when we demand her back, as demand her back we may, that you restore the emblem of her glory with no stripe erased, and every star undimmed." Sir, I neither deplore this loss of power, nor fear its consequences to the South. She will be more than ever watchful of her rights, more sternly resolved to maintain them.

If she has hitherto betrayed a high degree of sensitiveness upon the agitation of the slavery question in Congress, when that agitation was dwarfed by the fact that the balance of power in this *forum* rendered it almost an abstraction, what must she feel when, recalling the threats of her enemies, she finds her voice not only impotent here, but all the branches of the Government in their hands to enforce them?

Sir, the Union of these States must soon depend upon the constitutional and conservative action of this sectional party; and as successful aggression rarely pauses in its career, it becomes the duty of the South to learn, while time for calm reflection and counsel still remains, the position she is to occupy in this Union.

Conservative as I am, hopeful if not confident, that our darkening political heavens will grow brighter, and that we shall realize politically that the darkest hour is just before the dawn, I yet trust, nay I well know, she will never submit to that greatest of all degradation to a free people, a voluntary existence under a violated Constitution.

It is not for me to indicate the path she may, in her wisdom, pursue; but, sir, wherever it may lead, be it gloomy or bright, my whole heart is with her, and she will find me treading it with undivided affections.

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